

REMARKS/ARGUMENTS

Claims 24, 28, 29, and 32-34 were pending and examined. The claims have been amended as noted above. Reexamination and reconsideration of the claims, as amended, are respectfully requested.

The claims were rejected over 35 U.S.C. §112, first and second paragraphs, for lack of support for the phrase "without interruption." That phrase has been removed from the claims and it is believed that the rejections are overcome.

Independent claim 24, the only pending independent claim, as well as the remaining claims dependent thereon were rejected as being obvious over the combination of Andrews '341 and Cathcart '652. Such rejections are traversed in part and overcome in part.

Even prior to the amendment of claim 24, Applicants believe that the claim 24 did not read on the teachings of Andrews combined with Cathcart. Neither Andrews nor Cathcart teach or suggest a tooth-receiving shell having "a continuous solid protrusion disposed along" first and second edges thereof. The "protrusion" of Andrews relied on by the Examiner simply does not protrude. As can be seen clearly in cross-sectional Fig. 3, the continuous strip of suction device 14 is embedded in the wall of the tooth-receiving cavity and does not form a continuous protrusion. While individual suction cups 18 do protrude, they do so in a discontinuous fashion and would not fit in the undercut of the plurality of teeth as required by claim 24.

While the mouth protector of Cathcart does include beads 10 and 13 along its edges, it is noted that these beads would engage the gums of the user, as can be seen, for example, in Figs. 3 and 7, it would not be configured to fit in the undercut of the teeth as required by the claims herein. Moreover, any combination of the beads 10-13 of Cathcart with the suction cup strips 14/16/20 of Andrews would be inoperative. The suction cups clearly adhere to the surfaces of the teeth and hold the walls of the tooth-receiving cavity away from the tooth itself. Thus it would not be expected that the beads formed along the upper edges of the cavities would be able to engage the undercuts of the teeth. Moreover, such beads would serve no useful purpose since the structure is being held by the suction cups.

For all these reasons, Applicants believe that the combination of references fails to provide each and every element of independent claim 24 herein. Thus, it is believed that independent claim 24, even prior to amendment, distinguish the teachings of these references.

Nonetheless, in order to expedite prosecution of the present application, Applicants have amended claim 24. The amendment clarifies the structure of the "continuous" solid protrusion of the present invention as spanning at least two adjacent tooth receptacles as is amply supported in Fig. 15A as filed. Certain language used in the claims has now been added to paragraph [0058]. Such language, however, is fully supported by the illustration in Fig. 15A which figure has been amended to incorporate new reference numbers added to paragraph [0058].

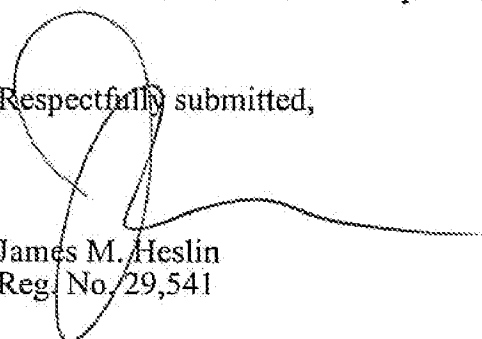
For these reasons, it is believed that independent claim 24, as amended, as well as all claims dependent thereon, distinguish the teachings of the prior art and are therefore allowable.

CONCLUSION

For these reasons, Applicants believe that claims 24, 28, 29, and 30-34 clearly distinguish the teachings of Andrews and request that the application be passed to issue at an early date.

If for any reason the Examiner believes that a telephone conference would in any way expedite prosecution of the subject application, the Examiner is invited to telephone the undersigned at 650-326-2400.

Respectfully submitted,


James M. Heslin
Reg. No. 29,541

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 650-326-2400
Fax: 415-576-0300
Attachments
JMH:jar/jis
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